

changes. You know, not going around the edges and trying to do a little something. We are talking about a balanced budget, one that has to do with financial and fiscal responsibility, one that has to do with not continuing to put it on the debt so our kids have to pay it. Our credit card is maxed out. We know that. We cannot come to any kind of agreement. We are going to talk some more today, I guess, and talk some more tomorrow. We probably will not be able to come to an agreement.

There is lots of room to come to an agreement. The parameters are pretty large—a balanced budget in 7 years, CBO numbers. Aside from that, you can bargain in there. That is a pretty broad parameter. We could do that. We could do that.

Mr. President, we ought to do that. We ought to get folks back to work. This is a ridiculous arrangement. We have to make some decisions. The people who are doing the negotiating need to make some decisions. That is our job. We are trustees for the American people and our job is to do something. Our job is to make decisions. Our job is to move forward. Mr. President, we ought to do that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

THE OBLIGATION TO KEEP GOVERNMENT FUNCTIONING

Mr. BINGAMAN. Mr. President, we are now in the 18th day of the longest Government shutdown in the history of the Nation. Serious negotiations continue on the budget, but still the Republican majority in Congress refuses to pass legislation to fund the normal function of Government; that is, a clean continuing resolution. This persistent refusal to provide funding for normal Government operations is irresponsible. It is irresponsible conduct by the Republican majority, particularly in the House, which must originate appropriations bills regardless of which side may be right or wrong on the policy issues in the budget negotiations.

Any time the negotiation occurs, each side begins by assessing its own as well as its opponent's strengths and weaknesses. Each side determines the actions that it can take to put pressure on the other to reach concessions.

In these negotiations over the budget, for the first time in our Nation's history the Republicans who are controlling Congress have determined that they have the right to shut down the Government and they can use that right as a bargaining chip in their negotiations with the President. They do not see the obligation to keep Government functioning as a shared obligation. They do not see it. They do not see it as an obligation of both the executive and the legislative branches as previous Congresses have. Instead, they are quite willing to assign that responsibility exclusively to the President

while, for their own part, keeping the Government closed as a bargaining ploy. This is a profound change in the way Congress views its responsibilities. It is simply wrong to see this as more business as usual, more of the traditional bickering that characterizes Washington politics.

In November, we had the longest shutdown in the 207-year history of the Republic, and it was 6 days long. Now we are at 18 days and counting in the second shutdown of this Congress.

When our Founders embarked on the task of bringing to life the constitutional system, they devised in Philadelphia in 1787, it was the legislative branch of the Government which they called on to commence proceedings under the Constitution.

The Congress met in New York in 1789, organized itself, provided for the counting of Presidential electoral votes and the inauguration of the President. The Congress then passed legislation to establish the great departments of the executive branch, to provide for the organization of the judicial branch, and to furnish appropriations to enable all the branches of our new national Government to perform their constitutional functions.

It would be, frankly, unimaginable to our Founders that our branch, the first branch of Government whose duty it was to bring to life the Framers' plan, would ever think that it was within its purview to disable that plan by refusing to perform the Congress' primary constitutional responsibilities.

It would be unimaginable for the new Congress to have decided not to complete the work of setting up the Government that the Constitutional Convention contemplated. In fact, it would have precipitated a major constitutional crisis for a radical majority in the first Congress to decide not to set up a particular department or not to fund a particular department just to get the bargaining leverage with a new President. Such a step then might have doomed the future of our new constitutional Republic.

My Republican colleagues argue that it is not they who are acting irresponsibly in causing Government to remain closed. After all, they passed appropriations bills and the President has chosen to veto those bills. They are right; the President has exercised his veto. He has done so as provided in the Constitution. He has returned those bills to the Congress, also as provided in the Constitution. But when the President uses the veto, the Framers of the Constitution contemplated that Congress would either muster the two-thirds majority in each House needed to override the veto or make the changes necessary in the bill to satisfy the President's objections. When time has been required to resolve differences between the President and Congress on spending bills, all previous Congresses, 103 of them, have enacted continuing resolutions to maintain the normal functioning of Government.

When this Congress and this Republican majority came, that all changed. For the first time in our Nation's history, the majority in Congress is refusing to perform its primary constitutional responsibility to maintain a functioning Government. It is abusing its power under the Constitution. This refusal, this abrogation of responsibility, this abuse of power is being explained away as a natural consequence of policy differences between the President and the Congress. But there have been many times in our history when policy differences between Congress and the President were great and were strongly held. Never before has Congress approached the negotiations of those differences with the view that responsibility for maintaining a workable Government rests exclusively with the President and the ability to keep the Government closed is a bargaining chip that Congress brings to the negotiations.

If this Republican view is accepted with respect to a partial Government shutdown, why should it not also apply with respect to increasing the debt limit and extending the full faith and credit of the United States? If it is OK to shut down the functioning of Government to force the President to accept the Congress' negotiating position, why would it not be just as acceptable for the Congress to refuse to increase the debt limit for the same purpose? Why would it not be just as acceptable for the Republicans in Congress to say it is the President's responsibility alone to ensure the full faith and credit of the United States and he has to do it by agreeing to whatever we in Congress demand?

This view by the Republican leadership of Congress is as radical as it is wrong. The Founders of our Nation provided for a government in which responsibility as well as power was to be shared. If the Congress will not hold itself responsible for maintaining a workable government, then the people who elect the Congress will surely do so.

Mr. President, I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. DORGAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, we are in morning business until 12:30, is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 5 minutes as if in morning business and have the time for morning business extended.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.